

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 ALVARO MEJIA  
Deputy Attorney General  
4 State Bar No. 216956  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0083  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-736**

12 **BASRI SILABAN**  
13 **9534 Surrey Ave.**  
**Montclair, CA 91763**

**A C C U S A T I O N**

14 **Registered Nurse License No. 510493**

15 Respondent.  
16  
17

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),  
22 Department of Consumer Affairs.

23 2. On or about April 10, 1995, the Board issued Registered Nurse License No. 510493  
24 to Basri Silaban ("Respondent"). The Registered Nurse License was in full force and effect at all  
25 times relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

26 ///

27 ///

28 ///

**JURISDICTION**

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

**STATUTORY PROVISIONS**

4. Section 581 of the Code state:

"No person, company, or association shall purchase or procure by barter or by any unlawful means or method, or have in possession any diploma, certificate, transcript, or any other writing with intent that it shall be used as evidence of the holder's qualifications to practice as a physician and surgeon, osteopathic physician, podiatrist, any other system or mode of treating the sick or afflicted, as provided in the Medical Practice Act, Chapter 5 (commencing with Section 2000), or to practice as any other licentiate under this division or in any fraud of the law regulating this practice or, shall with fraudulent intent, alter in a material regard, any such diploma, certificate, transcript, or any other writing."

5. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(b) Procuring his or her certificate or license by fraud, misrepresentation, or mistake.

....

"(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the

violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice Act] or regulations adopted pursuant to it.

"(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license."

#### **COST RECOVERY**

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(Unprofessional Conduct – Unlawful Procurement or Alteration of Diploma, Certificate, or Transcript)**

9. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in conjunction with Code section 581, in that he unlawfully procured and/or altered the diploma, certificate, and/or transcripts of Rimmy Silaban in support of her application for a registered nursing license. Respondent assisted Rimmy Silaban in submitting a fraudulent graduation certificate and fraudulent college transcripts to the Board representing that Rimmy Silaban had obtained her nursing diploma from Universitas Advent Indonesia, Sekolah Pengatur Rawat Rumah Sakit Advent Bandung (School of Nursing). In fact, the graduation certificate and transcripts were fraudulently prepared with the assistance of Respondent and Respondent knew that Rimmy Silaban had never attended and never obtained a diploma from Universitas Advent Indonesia, Sekolah Pengatur Rawat Rumah Sakit Advent Bandung (School of Nursing).

///

///

///

///

///

///

**SECOND CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct – Assisting and/or Conspiring**

**in the Violation of the Nursing Practice Act)**


10. Respondent is subject to disciplinary action under Code section 2761, subdivision (d), in that he assisted and/or conspired with Rimmy Silaban to falsely represent to the Board that Rimmy Silaban obtained her nursing diploma from Universitas Advent Indonesia, Sekolah Pengatur Rawat Rumah Sakit Advent Bandung (School of Nursing), when in fact, she had not, as further described in paragraph 9.

**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 510493, issued to Basri Silaban;
2. Ordering Basri Silaban to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 2/28/11

*for*   
LOUISE R. BAILEY, M.ED., RN  
Executive Officer  
Board of Registered Nursing  
State of California  
Complainant

DOJ Matter ID: LA2010600622  
50832160.doc